upon the continent to unite with her in resubjugating her revolted colonies in America, and it was equally well known that England was averse to it. It was well known that beginned was averse to it. It was well known that, beside grave political considerations, large commerciants to Europe; and that they will aid him, at the same time, in re-establishing peace between this division of the globe and its colonies." that, beside grave political considerations, large commer-cial relations had grown up between England and those republics which forbade the assent of England to any such

intervention.

England felt herself in this position: If her continental allies yielded to the invitation of Spain, and united with her to resubjugate the colonies, it would involve England inevitably in a war with those allies; and thus though England was stimulated by her subjects to recog-nise the independence of the South American States, the Government was deterred, and hesitated, because it might drive her into a war with the whole continent of Europe; and this recognition Mr. Rush had made a condition precedent to any action on his part towards the concerted declaration. Eventually the subject was dropped between them, on the ground, as set forth by Mr. Canning, that Mr. Rush had no powers. So much is due to the history of that occasion, to show that the United States as a Government never invited the co-operation of England in the matter: that when the proposal was assented to in the modified form admitted by Mr. Rush, it was assumed by him as his act, and without authority from his Govern-ment, and that it was never subsequently confirmed by his Government. He, as a matter of course, communicated to his Government immediately and fully all that took place; and in one of his letters, from which I quote an extract, he told the Secretary of State this:

"Should the issue of things be different, and events, notwithstanding, arise threatening the peace of the United States, or otherwise seriously to affect their interest in any way, in consequence of such a declaration by me, it would still remain for the wisdom of my Government to disavow my conduct, as would manifestly have been without its previous warrant.

Now, I think I have shown in the first place that the true line of American policy of avoiding foreign alliances was not departed from in that instance; and, secondly, that the Government of the United States not only preceded England, but preceded all other Powers in recognising first, and alone, the independence of the South American colonies. These propositions I may assume to be established.

I come now to the question: to what issue was this declaration of Mr. Monroe directed? With a very limited knowledge of the practices of Governments in their relations towards each other, but with some knowledge of human affairs and human conduct in the relations of the world, I apprehend that no principle can be more impor-tant to be maintained than that declarations made, or positions assumed by the Powers of the world to regulate be extended by loose interpretation beyond their legiti-mate scope and meaning. What, then, was the state of things to which this declaration by Mr. Monroe was di-rected? Why it was this, and this alone: It was the imminently threatened intervention of the allied Powers of Europe to enforce on the continent of America, in the affairs of Spain and her colonies, their continental system-"legitimacy." It was directed to that, and contem-"legitimacy." It was directed to that, and confined to that, as I think I can show by a very few historical references.

Was that intervention threatened? The first piece of evidence I shall advert to on that point is a declaration made by Mr. Brougham, in the House of Commons, in 1824, referring to the position of this Spanish question in the preceding year, as follows:

"Mr. Brougham then proceeded to state, as an indisputable fact, that 'Ferdinand had been promised by the Emperor Alexander, that if the King of Spain would throw off the constitutional fetters by which he was trammelled, he would assist him in recovering his transatlantic dominions."

At that time Louis XVIII had been restored to the

throne of France by the allied Powers. Ferdinand of Spain, of the same family of Bourbons, was upon his throne, it was true; but he was fettered by the constitutional Cortes, who had attempted to engraft upon the Spanish mon rehy the free institutions of a representative Government. The King of France had marched one hunlred thousand men into Spain to set him free. The King of Spain was calling upon his allies to come to his aid. onferences were going on; notes were being constantly exchanged, as the diplomatic history of the times show, between the Spanish ambassador at Paris and the ambassadors of the other European Powers at that court; the great end and object of which was to bring about a Congress of the allied Powers, to take into consideration the condition of the Spanish throne, and to restore its legiti-mate rule both at home and in Spanish America. Mr. Brougham says that this had been promised by the Emperor Alexander, upon condition that the King of Spain would free himself from the constitutional government at home. Mr. Canning told Mr. Rush, as the latter reports, in the course of the conversations which took place between them on the subject to which I have alluded, that he had received notice of measures being in projection by the Powers of Europe relative to the affairs of Spanish America, as soon as the French succeeded in their mili-

tary movement against Spain." England knew perfectly well that the occasion was imminent. There was every reason to believe that the allied Powers of Europe would rally around Spain, for the purpose of resubjugating her colonies. England knew not only that she could not unite with them, but that she must resist them; and, whenever that resistance was made, she would be involved in a war with the wl

Europe.

This state of things led to the invitation which Mr. Canning gave to Mr. Rush. The latter assented to it, but upon terms which England was not at once prepared to adopt—a previous recognition of the independence of the Republics—and the whole matter was then, as a matter of course, communicated by Mr. Rush to his Government. It must be remembered that the interview spoken of by Mr. Rush took place in August, 1823. In December, 1823, President Monroe made his annual communication to Congress which contained the famous protest which has been so often quoted. What was the protest? We shall find, on looking back to it, that it was made in the most circumspect and guarded manner, and confined to a single purpose. Every word seems to have been weighed, and its expressions sedulously guarded. Here is his language:

We owe it, therefore, to candor, and to the amicable reto existing between the United States and those Powers, to declare that we should consider any attempts on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

"To extend their system to any portion of this hemiphere." What system? Why, the system by which hose Powers of Continental Europe had been banded together—the system which recognised none but a legiti-mate throne, and which bound the sovereigns to each other to protect each in his throne, because it was legitimate. That is the system, as I shall have occasion pre-sently more fully to develop, against which Mr. Monroe-protested. Again, in a further paragraph, the message

With the existing colonies or dependencies of any Europoan Power we have not interfered, and shall not interfere. with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknow-ledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of the purpose of the manifestation of the purpose o station of an unfriendly disposition United States."

He then went on to speak of our policy in regard to Europe. It was one of disconnexion and alienation. He referred to the system of the allied Powers on the continent of Europe, and concludes as follows:

"It is equally impossible, therefore, that we should behold

such interposition in any form with indifference."

As I read this matter, the true history of the occasion was this: There was imminent reason to believe that the Powers of Continental Europe would come to the aid of Spain to resubjugate her colonies in South America, then independent, and admitted to be so by the United States. England, conscious that when the time came a necessity would be imposed upon her to interpose, had not yet interposed. The United States had acknowledged the independence of the South American Governments, in 1822; England had not yet done so in August, 1823, when the conversation from which I have read took place between Mr. Bush and Mr. Canning; and when Mr. Rush pressed it upon England, as a preliminary to the proposed union, that England should recognise their independence, the matter was waived on the part of the British Secretary,

and the whole affair was communicated to the Governmen of the United States by our Minister. What followed? The Government of the United States took that step singly, which it had been proposed on the part of the British Government that the two Governments should take jointly. It was a declaration made against the purpose, on the part of the allied Powers, to bring their "political system" to this continent. It was narrowed and confined to that, and that alone. Did it have

its effect? I will tell you what followed.

In December, 1823, as I find in looking at the political history of the day, a formal request was made by the Government of Spain to certain of the allied Powers to carry into execution that purpose against which the protest of Mr. Monroe was directed—a request to those Powers that they would aid Spain in re-establishing her legitimate authority over the revolted colonies of Spanish America. Here it is. It is a letter from the Prime Minister of the King of Spain to his Majesty's Ministers at Paris, St. Petersburgh, and Vienna, dated December 26.

1823, in these words: "His Majesty, confiding in the sentiments of his allies, topes that they will assist him in accomplishing the worthy

The invitation was based upon a mutual recognition by those sovereigns of a concerted duty to acknowledge no Governments but such as were based on hereditary and legitimate descent. So far, the obligations of this alliance had been confined to the continent of Europe. With its operation there Mr. Monroe disclaimed all purpose of in-terference, but protested against its extension to either continent of America, as "the manifestation of an unfriendly disposition towards the United States," and

friendly disposition towards the United States," and "dangerous to our peace and safety."

That message effected its object. It averted the threatened interposition; and in proof of it we have, first, the broad fact that they never did interpose; that the invitation of Spain was declined. The allied Powers never came to her aid. We have, secondly, the high testimony borne of the fact her had because the British Horse of the fact by Mr. Brougham in the British House of ommons in the succeeding year, (1824,) when he used

this language:

"The question with regard to South America," said Mr.
Brougham, "was now, he believed, disposed of, or nearly so;
for an event had recently happened, than which no event had tor an event had recently happened, than which he event dispersed greater joy, exultation, and gratitude over all the free men of Europe: that event, which was decisive on the sabject, was the language held with respect to Spanish America in the speech or message of the President of the United States to Congress."

I shall not detain the Senate longer. All that I desired to do was to show, first, that there was nothing to be found in the history of this occasion showing any depar-ture from the established policy of this Government to refrain from all foreign alliances whatever; secondly, that the declaration of Mr. Monroe was guarded in its

upon the continent of America. I had a further object: to call upon the Senate and the ing his language beyond its true import and its true meaning. You may establish a principle, if you please, that European Powers shall not be permitted to do this, that, or the other, on this continent; but establish it as your own principle, and not as Mr. Monroe's. The act of Mr. own principle, and not as Mr. Monroe's. The act of Mr. Monroe was confined to a single object: the prevention of the intervention of the allied Powers of Europe to restore the colonial possessions of Spain on this continent, because their revolt was in violation of their continent, dogma of the legitimacy of kings.

There can be no doubt that if the United States had

not, by the message of Mr. Monroe, in December, 1823, made such a declaration, England would have been driven to do from necessity what the United States had done from choice. The people of England would never have permitted their Government to stand by indifferently and see the continental policy established between Spain and her colonies on the continent of America. But the fact re-

honorable Senator from Michigan, and embraced in his resolution, was confined to a single issue, and that issue back? was the intervention of the allied Powers of Europe bewas the intervention of the ained Powers of Europe detective of the Spain and her colonies, in order to establish their continental system, and to insist, as I do insist, that, taking it as the doctrine of Mr. Monroe, we cannot extend it one hair's breadth beyond that. We may establish a new doctrine if we please, but that will not be the Monroe doctrine.

Mr. Olds. No, sir. I say that the remarks I made at the time I offered this resolution show that I intended to make no such call upon the House brinvestigation. Mr. Stephens. Then, if the gentleman does not take them back, or modify them, he should make them good. They were remarks made by him in this House and to the country before this committee was raised, as one of the same message of 1823. Mr. Monroe declared, as

NEW ZEALAND

In a recent number of the Courier des Etats

(the writer in the Courier says) attracts attention to the by this House, stated thatother islands of the Pacific. By the occupation of the occupation occupation of the occupation occup FRANCE has obtained a sure footing in these latitudes.

But England, on her part, long since prepared there a

Perly connected: Therefore,
"Resolved, That a committee, consisting of five m FRANCE has obtained a sure footing in these latitudes. permanent establishment by colonizing New Zealand. If this House, be appointed by the Speaker to investigate all the we may credit the English writer, the three islands which facts touching the connexion of the said Thomas Corwin, the permanent establishment by colonizing New Zealand. If this House, be appointed by the have received this name are destined to become an industrious and commercial centre, and "to occupy the same agent or counsel for said Gardiner; what interest, place in the Southern seas that Great Britain occupies in the Northern." However this may be, England has in a few years succeeded in rendering accessible this country, at which we knew only by tragical histories, the adventures of the Dutch navigator Tasman, the treachery of the natives toward Cook, or the massacre of Capt. Marion.

Situated on the other side of the equator, in the same latitude as Naples, and at some days' voyage from Ausropean colonists. Its extent is almost equal to that of is the only question. verse the medal, the inhabitants are intractable, ferocious, and in fact anthropophagous, (cannibal.)

It is not fully and generally understood what New Zeaand establishments of her own people. Twelve years since private societies were organized at London for the colonization of New Zealand. The Government first protected them and then absorbed them. It did every thing to increase emigration, and especially to facilitate the to increase emigration, and especially to facilitate the passage of useful emigrants; and it sometimes even took is nothing, then, connecting Mr. Corwin improperly with upon itself the whole expense of their transportation. the claim. But, says the gentleman, the committee have Centres of colonization were soon formed in New Zealand, reported this bill. Now, it is to that point that I wish to roads were opened, the soil was cleared, and cities arose : Auckland, the capital, the residence of the Governor; "But, in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own cient to keep in awe the 120,000 natives of the interior of the islands. The natives, whom travellers represent as real canni-

bals, have, like the soil, felt the influence of cultivation. According to the English official documents, many of them have been converted to christianity. These know how to read and write; they cultivate their fields or work at trades, carry on business in the little vessels which belong to them were cluttered in the little vessels which belong to the mean that the little vessels which belong to the mean trades, in the little vessels which belong to the mean trades, in the little vessels which belong to the many of them perly, you need pass no new law for others; you can now prosecute him, and visit upon him the punishment he deserves; you need not let him pass from defect of the law. I call the attention of the House to the act creating the trades. them, wear clothes from London, and-who would believe it?—there are some who regularly buy and read the morning newspaper! Wherever the English [but more universally the Americans] attempt an establishment, they immediately issue a newspaper. We need not therefore be surprised to find some of them at New Zealand. We will mention the "Government Gazette," at Auckland; the "Southern Cross," the "New Zealander," the "Wellington Independent," the "Nelson Examiner," and the "Littleton Times," which vie in celebrating the virtues of the natives and the future greatness of the colony. Leaving out of view the exaggerations of British pride on the subject, we nevertheless find the wealth of New Zealand constantly increasing by the influx of rich emigrants.

In 1848 only 127 persons bought farms: in 1850 there In 1848 only 127 persons bought farms; in 1850 there were 328; and in 1851, 793.

THE HORSE "warranted to stand without tying," which a man bought at auction the other day, is offered for sale by the purchaser, with the guaranty that "he will not move without whipping."—Boston Post. SPEECH OF MR. STEPHENS,

OF GEORGIA, In Defence of Mr. Cornein against the Charge being improperly connected with the Gardiner

House of Representatives, January 13, 1853. The House having under consideration the motion ommit the bill to prevent frauds on the Treasury-

Mr. STEPHENS, of Georgia, said: The bill under con-Mr. STEPHENS, of Georgia, said: The bill under consideration, Mr. Speaker, is reported by the select committee of this House appointed to investigate the Gardiner claim. I do not see any connexion which it has with the business submitted to that committee. It seems to be before the House anomalously. I suppose it must have got here by unanimous consent. The committee certainly had no authority from this House to report it. So far as the kill there is concerned. I shall treat it are a in the bill, therefore, is concerned, I shall treat it as an in-dependent measure before this House, as if reported by any individual; and I shall not connect its merits with the investigation of the Gardiner claim, for I see no le-gitimate connexion between it and the subject referred to that committee for investigation. The bill, I believe, is in substance the same as one introduced into the Senate in substance the same as one introduced into the Senate by a Senator from North Carolina, (Mr. BADDER.) In the remarks which I shall make upon its merits, I shall necessarily, in noticing the topics of discussion which it has given rise to, introduce some of the subjects which the gentlemen have alluded to in the progress of the debate. The gentleman from Ohio, (Mr. Olds.) for instance, who, I believe, addressed the committee first upon this subject, and whose speech is reported for the first time in the Globe of this morning, seems to consider the report of this bill by that committee as confirming terms, and was designedly confined to the occasion then existing—the apprehension that the Powers of Europe would endeavor to establish their "continental system" his original remarks in relation to the Secretary of the Treasury, (Mr. Corwin.) I do not so consider it. I do not consider that there is any thing in the report of the committee which can justify such an inference. I take this occasion to state to this House that I think the invescountry to prevent injustice to the memory of the great departed statesman whose act it was; to disclaim extending his language beyond its true import and its true meaning his language his languag tleman from Ohio (Mr. OLDS) seemed to enter in the opinion or suspicion that he held. I notice the following the report of the gentleman's remarks; and I stall be

in the report of the gentleman's remarks; and I call be brief upon this point:

"Mr. Speaker, I will not say that at the time I offeed the resolution calling for this committee of investigation that I had not a settled conviction when my mind that Corwin must have havens or at least have strongly suspected, the fraudulent character of this claim. That conviction has not been changed but greatly confirmed by the evidence reported by the committee. But, sir, notwithstanding these convictions, I had no purpose of making any such chargen the resolution, knowing the utter impossibility of provings man's thoughts or impressions. Nothing in the language a the resolution, or in the remarks with which I accompanied he resolution, can be construed into such a charge."

Now, sir, I have the remarks of the rentleman as made

Now, sir, I have the remarks of thegentleman as made before this House, in which he says:

mains, that the United States went into it alone and in advance.

The invitation of the 26th of December, 1823, given by the Spanish Minister to the various European Powers to come to the rescue of Spain, was of course made known to England, though the invitation was not addressed to her. It was understood that there was to be this meeting of the allied Powers upon the continent of Europe, to which England was not invited; but when it came to her knowl-

England was not invited; but when it came to her knowledge, Mr. Canning immediately gave them to understand that such an act on the part of the allied Powers would be instantly followed by a recognition of the independence of South America on the part of England.

All that I have wished to attain on this subject is to show that the doctrines of Mr. Monroe, adverted to by the shows that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, and embraced in his subject is to show that the doctrines of Mr. Monroe, adverted to control the Treasury of the Inited States."

Mr. Oldes. That is a quotation from speech made in July upon entirely another question, it which I referred no connexion with this resolution whaterer.

Mr. Stephens. These were remarksmade by the gentleman in connexion with this subject Is he prepared

Mr. Olds. No, sir. I say that the remarks I made

Monroe doctrine.

In the same message of 1823, Mr. Monroe declared, as an additional policy by this Government, that the American continents were not thereafter to be considered as fit subjects for European colonization. I do not mean to go into that now. It is true that enunciation was made in this charge before the House, or moify it. I must continue that the country before this committee was raised, as one of the reasons for raising the committee was ordered. Now, then, the gentleman ought either to sustain this charge before the House, or moify it. I must continue that the Lorentz transfer is a part of the remarks made by him which in sider it as a part of the remarks made. the same message of 1823, but it was connected with a different matter, and asserted in a different manner. I do not mean to go into that now, though I shall probably have occasion to do so some time before the debate closes. it was founded in justice, or whether it was a fabricated fraud from beginning to end. Thatwas not even before the investigating committee. I am free to state, how-ever, from reading the report of the investigation carefully, I concur with the other gentlemen, that my impression is that it is fraudulent. But the subject referred to Unis we find some remarks relating to this region which we have regarded as worthy translation and a place in our columns.

Sion is that it is fraudulent. But he subject reference that committee to investigate, and which, so far as their report is concerned, is now before the House, is his (Mr. Corwin's) "improper" connexion with the claim; because the very resolution offered by the gentleman, and passed

Thomas Corwin, Secretary of the Treasury, has been impro

present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as other than his fee interest, he purchased and held, either di-directly or indirectly, in said claim, and the amount paid, or stipulated to be paid therefor, and condition of such purchaat what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one-fourth interest in said claim."

The only question, therefore, so far as the report of that committee is concerned, is, whether the Secretary of the Treasury was improperly connected with the claim of tralia, New Zealand offered wonderful advantages to Eu. which there was a suspicion of fraud attached to it. That is the only question. Well, sir, does not this report of ropean colonists. Its extent is almost equal to that of the committee, raised at the instance of the gentleman Great Britain. The climate, tempered by the vicinage of from Ohio, sufficiently show to us and to the country that the sea, is favorable to the raising of cattle and to the there was no improper connexion at all on the part of the cultivation of all the products of warm countries. The Secretary of the Treasury with the claim? The gentlesoil, watered by navigable rivers, is fertile and woody man from Ohio attempts to argue not; and the whole of his Copper is taken from it in abundance, and very recently that was raised at his own instance; at least it so struck coal has been found almost at the surface. But, to reme. He seemed to be grumbling at their conclusion. What is that conclusion of the committee on the real point in issue? Here is their language:
"No testimony has been adduced before the com-

land has become in the hands of the English. England wisely encourages in all parts of the globe the enterprises and establishments of her own people. Twelve years

The testimony before the committee shows conclusively that Mr. Corwin had no interest whatever in this claim ak briefly, because this bill was not reported by any authority conferred on the committee, nor does it touch the case before them. I do not intend to let the gentleman escape in this way. I call the attention of the House to this fact, that if Mr. Corwin, as Secretary of the Treasury, had been improperly connected with this claim-as was intimated in the original charge—there would have been no necessity at all for any special bill to reach his

delinquency.
Sir, the founders of our Government, in one of the first acts passed by Congress after the organization of the Government, sufficiently protected the Treasury of the United States in this particular. If Mr. Corwin acted impronecessity for this bill to meet any future case similar that then before the committee. I read the eighth section of that act:

"Sec. 3. And best further enacted, That no person appoint ed to any office instituted by this act shall, direct'y or indied to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase by himself or another in trust for him any public lands or other public property, or be concerned in the purchase or disposal of any public accurities of any State, or of the United States, or take or apply to his own use, or emolument, or gain, for negotiating or transacting any business in the said Department, other than what shall be allowed by law, and if any person shall offend against each of by law; and if any person shall offend against any of the pro-hibitions of this act, he shall be deemed guilty of a high mis-demeanor, and forfeit to the United States the penalty of

were 328; and in 1851, 793.

The exportation by the colony of provisions, wool, metals, and timber did not amount to one million francs (or \$200,000) in 1846. It arose in 1850 to 2,200,000 francs, and in 1851 to 3,200,000.

These developments give presage of others still more considerable.

Sir, if Mr. Corwin, as Secretary of the Treasury, was "improperly connected" with this claim against the Treasury, as charged, here is a law of the country that has been in existence since 1789, under which you can not only displace him, but disgrace him forever. If, therefore, the committee undertook to recommend this bill to meet Mr. Corwin's case, I beg to inform them, and the gentleman considerable. Sir, if Mr. Corwin, as Secretary of the Treasury, Corwin's case, I beg to inform them, and the gentleman from Ohio, that their work is but an act of supercrogation. Here is a law quite sufficient for them or him to act upon. My object, sir, is to disconnect this bill, upon which I intend to speak hereafter, entirely from the matter and case referred to that committee. But I wish to

premise a few remarks upon the facts reported by that committee, and which have been commenced on in the committee, and which have been commenced on in the solid for the committee, and which have been commenced on in the committee, and which have been commenced on in the solid for the committee, and which have been commenced on in the solid for the committee, and the solid for the so

those who sought the aid of his legal counsel? I give him as one instance among others. But further still: I have a paper before me, from which it appears that the Hon. George M. Dallas, while he was Vice President of the United States, received fees for prosecuting, with others, a claim before one of the departments; others were engaged with him in the same case, members of Congress, of the highest character and the strictest puge. were engaged with him in the same case, members of Congress, of the highest character and the strictest purity. How can men thus employed be said to be employed against the Treasury of the United States? In most instances the only question is, who among several claimants shall receive a particular fund?

But, sir, I come down even to this very tribunal before which Senator Corwin agreed to appear as counsel. He was not the only member of Congress who appeared or was not the only member of Congress who appeared or agreed to appear there as counsel. And if there was any thing improper in his connexion with it, was it not so with other members of Congress? Mark you, I do not allude to these facts by way of casting imputations upon any of the gentlemen whom I shall name, but I do not intend, sitting here in this hall, to permit a false impression to go before this country, or that Mr. Corwin, who is a distinguished lawyer shall be made a seen goot of hy distinguished lawyer, shall be made a scape goat of by any gentleman upon this floor. Mark you, that the whole charge sustained is, that Mr. Corwin, while a Senator, was employed by Dr. Gardiner to represent his claim as one amongst other lawyers before the Board of Commissioners. For the testimony is conclusive that, perhaps, knowing the statute of 1789, which I have read, if from no other consideration, he disconnected himself from that relation before he assumed the position of Secretary of the Trea-

But the gentleman from Ohio (Mr. Olds) says that the transfer of his interest was all a farce. Well, if so, the issue is between him and his committee. They do not report that it was a farce. The witnesses are unimpeachany wrong in it. There was no law against it, and it had been the custom of the country from the beginning men holding such positions to not in such capacity. ned that the honorable Mr. Howard, of Texas, appeared before that Commission in behalf of some claimants. The honorable Mr. Ewing, of Tennessee, who was then, but not now, a member of this House, appeared there as counsel, or represented some party as I am told. The honorable Mr. PHELPS, of this House, did the

Mr. PHELPS. The gentleman from Georgia is mistaken relation to that matter.
Mr. Stephens. Well, sir, I shall be glad to be correct-I only speak from information received from others,

as I have stated. Mr. PHELPS. Permit me, then, to make a brief statement. When the Mexican commission assembled, one of my constituents handed me his memorial, with the request that I would send it to the commission, with the proofs accompanying it. I did so send it. My constituent then desired me to appear before the commission, if necessary, and attend to the case. Action was had upon the case, but I never appeared before the commission. I only inquired of one of the commissioners what action had been had upon it. I received no compensation for it whatever. I attended to the business as I would attend to any other business of my constituents. But I did not appear as counsel in the case.

Mr. Johnson, of Tennessee. I wish to ask the gentleman from Missouri this question: Did you ever receive any compensation for your action before this commission? Mr. PHELPS. I did not appear before that board at all nor did I receive any compensation for filing the memo-

Mr. Howard, As the gentleman from Georgia ha nentioned my name in this connexion, I desire to state that two constituents of mine sent cases to me which filed before the board. I presented them, however, with

out having exacted or received any compensation. Mr. STEPHENS. Then I understand the gentleman from Texas did appear before the board, but received no com-

Mr. Howard. I will state that I received petitions and papers made out, some of which I corrected, and one pe-tition I redrafted, signed them as counsel, and presented them before the board, but I never received any compenation nor charged any. I have never charged or receive

ed any pay for business which I here attend to before the Departments. While I am up, however, I will state that I do not my self consider an appearance before such a board as any-thing improper in itself. I agreed to this report, how-ever, because I think it is better for the representatives and the country that members of Congress should not appear before such commissions, and not because I considered such an appearance as anything improper in itself.

I shall take occasion to state my reasons for before the debate closes. before the debate closes.

Mr. Stephers. What I was informed then is true, that these gentlemen did act as counsel before this board. Mr. Pherrs did not appear before the board in person, because it was not necessary; but, as the papers presented by them were for constituents, they did not charge or receive any compensation for their services. On that point, as I stated, I was not informed as to either or any of the gen-

stated, I was not informed as to either or any of the gentlemen named by me.

Mr. Pheli's. I did not appear before the Board at all.

I merely handed in the papers.

Mr. Streviens. The gentleman did not appear, because it was not necessary. I presume there is no question that neither of these gentlemen received any compensation for their services. But the gentleman from Texas sation for their services. But the gentleman from Texas very correctly states, in my opinion, that it was nothing unusual or improper in members of Congress in appearing before such a board as counsel for compensation.

Mr. Stanton, of Tennessee. Will the gentleman allow

me to make a statement? Mr. STEPHENS. Be brief. Mr. Strikens. Be brief.

Mr. Stanton. I do not know whether the gentleman from Georgia has my name as appearing before this commission or not, but I did appear there, in one case for a constituent of mine, who employed me as his counsel, and paid me for it. I drew his memorial and presented it before the board. I did not think the commission allowed him half as much as he was entitled to, but he paid

me in accordance with his own proposition.

Mr. STEPHENS. I did not have the gentleman's name;
and it is very possible other members of Congress appeared about whom I have no information.

Mr. STANTON. I will state further, Mr. Speaker, that

premise a few remarks upon the facts reported by that vices, and never would receive a cent, although money this solemn act create a just debt? But Galphin died in debate.

But Galphin died in 1780, very soon after the act passed.

Mr. Stephens. It seems, then, that the two gentle-

as a public malefactor for breaking your law. Your law must first be made and published. Where there is no law must first be made and published. Where there is no law there is no transgression. Therefore you cannot rightfully charge the Secretary of the Treasury, as a Senator of the United States, with being "improperly" employed as counsel before the Board of Mexican Commissioners, which is the issue in this matter, until you declare by law that a Senator shall not be so employed, and until he then shall have readered himself observer to the previsions of ed "mala in se," unless there be positive corruption.

But, sir, there is another matter brought into this disssion, to which I beg the indulgence of the House for a

short reference.

The investigations of Mr. Wise's committee nected with other matters besides speculations in land, and one of which has been alluded to in this debate. It ed, and they swear that it was an unconditional transfer of all his interest in the claim. I am bound, therefore, so to consider it. Well, then, sir, was Mr. Corwin the only Forsyth, that he had been employed as attorney, and was to consider it. Well, then, sir, was Mr. Corwin the only distinguished Senator who appeared as counsel before that commission? I have not seen the docket, but I speak from information which has been communicated to me, and which I have no doubt is correct. I am informed that the honorable Senator from Missouri (Colonel Bento) appeared in a case there. I am informed that the honorable Senator from Louisiana (Mr. Soule) appeared in a case there. I halieve that the honorable Daniel Webster appeared as counsel there in two cases. The honorable Mr. Bright, a Senator from Indiana, appeared there also in four cases, as I am informed. Whether those gentlemen appeared for fee or reward I do not the total beautiful that the formation of the treating peared there also in four cases, as I am informed. Whether those gentlemen appeared for fee or reward I do not But, as I have said, there is no law prohibiting this in know. I come now to this House; and mark me again the heads of the other Departments. Now, I beg the inthat I do not intend to cast any imputation upon any gendulgence of the House, by way of digression, to allude who, I doubt not, know but little of its merits. The gentleman from Ohio, (Mr. Olds,) in his speech, alludes to "Galphinism," or "the Galphins." He says that after the decease of the lamented Taylor, when Mr. Fillmore entered this hall to take the oath of office, followed by the Cabinat of Galphinist of Galph entered this hall to take the oath of office, followed by the Cabinet of General Taylor, Corwin heard the murmur from the galleries, "there come the Galphins," which reached every part of the hall.

Well, sir, the gentleman may have heard such a murmur, but I did not, and never heard of it until I saw it in

Now, sir, I intend to say something on this Galphin claim. Gentlemen may, if they choose, continue to cry out Galphin fraud; but they shall not do it without the exposure which is due to truth, as well as right and jus-

Mr. Speaker, I am here to-day to defend that claim against any one who may be bold enough to assail it. I hold myself ready to say and maintain that there was no fraud in the Galphin clama.

in a paper the other day as "the Galphin swingle.

Mr. Speaker, I ask this House to hear, not as partisans, what I have to assert in vindication of the truth in this matter. I feel it my duty to do it, in vindication of the people whom I know, descendants of Galphin, and men who under him have received their just rights—men who under him have received their just rights—men who were long delayed at the door of public justants which were long delayed at the door of public justants which were long delayed at the door of public justants.

Senth Carolina—

The control of the truth in this was no formidable opposition. Which it was presented and sustained were to believe, to be avoided. Here was the act of Georgia obliging her to pay that debt—as solemn a debt as ever was contracted. It was for particular defences, and was put upon precisely the same grounds of assumption as the Virginia claims, and no one could escape the force of the reasons. a dollar from the Government that was not justly their due. Some of these parties I know—and I will vindicate them, and I will vindicate the truth of history, whenever they or their conduct in this matter are assailed or maligned. There was, sir, no fraud in the Galphin claim. In the maintenance of what I say, I shall assert facts and nothing but facts, which are uncontroverted in the past, and incontrovertible for all time to come. And when I am done, I want to see the man rise up here in the face of these facts, and so that they are found in the payment of that just and say that there was fraud in the payment of that. just

These are the facts: In 7773, the Cherokee Indians and the Creek Indians in the State of Georgia were indebted to certain traders to a considerable amount of money.

They had nothing to pay it with. This was while Georgia was a British colony. These Indians agreed to cede to the Crown of Great Britain a certain amount of land, two millions and a half of acres, or thereabouts-in consideration of which Great Britain was to take the lands and discharge their debts to these traders. The treaty was made in 1773. On the 2d May, 1775, a certificate was made in 1773. On the 2d May, 1775, a certificate was made out by commissioners appointed according to the treaty, to George Galphin for £9,791 15s. 5d. The war of the Revolution broke out in 1776. The land was not sold by Great Britain, nor the debt or any part of it paid; and in 1777 Georgia took possession of the lands. She gave them as bounty to the soldiers who would go and occupy them. She used them in our national defence in the war of the Revolution; and George Galphin, in that day, did your country and the infant colony of Georgia most essential service in preventing the Indians from making inroads upon the defenceless inhabitants of that unprotected frontier.

were made on those lands, in the county of Wilkes. There the British flag has never waved since the declaration of independence. Nay, more: a fort erected by these settlers, bearing the name of Washington, on the site of the present town of Washington, the name continued from that day to this—was the first place, as I believe, on this whole continent, named in honor of the Father of his Country. This, I say, I believe. I do not state this as a historic fact, for there usay have been some place so called at an earlier date; I think not, however; and, until the contrary be shown, I shall claim this honor for my State, and the peaple of the county of my birth.

But to proceed with my narrative. The State of Georgia, in 1780, passed an act binding and obligating herself to pay to any of those Indian claimants who were true to the country the whole amount awarded to them by the commissioners under the treaty, and for which the lands were bound in equity and good faith, with interest at six per cent. George Galphin was one of them. By her act she assumed this debt of Galphin for £9,791 15s.

5d., with interest at six per cent. per annum. Did not the British flag has never waved since the declaration of when no bill could pass that did not receive the unani-

when the question shall be between refusal and very taxation.

est reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means." This he said to Mr. Wise. He had specified the speculations of the Secretary of State in public lands. But that was no case of "corruption and abuse," in the opinion of Gen. Jackson, because it was not against any law.

General Jackson held that there was no corruption in the charge, if true, because there was no law against it: and his friends in this House on the committee would not allow the question to be put.

And I say, sir, you must first define crime before you go hunting criminals. You must first proclaim by law what is wrong, and what you intend to hold up to public odium, before you can hold Mr. Corwin, or Mr. any body else, up as a public malefactor for breaking your law. Your law ginia came before Congress and presented here? I will tell you. In 1790 the General Government passed what is known as the assumption act. That is, the General Government brought into a general account the contributions of each trought into a general account the contributions of each trought into a general defence or the particular defence of the common country during the common struggle of the war for our national independence. At this time Galphin was dead, and Georgia had not paid this £9,791 labs. 5d. She had pledged herself to pay for the lands she had taken possession of and disposed of, but she had not paid the debt, and did not bring it into the account on the settlement under the assumption act of 1790. The settlement under the assumption act was thought for a long time in Georgia to be a final settlement, and that she could not go behind it. Well, in 1832, the State of Virginia came before Congress and presented lever. Well, why was it presented here? I will tell you. In ginia came before Congress and presented claims to s large amount under these circumstances: She stated that just before the war closed she had by law promised to all officers of a certain grade and class certain annuities for life if they would enlist in the service of the United States during the war. These men had never been called into service before the termination of the Revolutionary war. that a Senator shall not be so employed, and until he then shall have rendered himself obnoxious to the provisions of your law. When all this takes place his conduct will fall within the range of those acts which are called "mala prohibita," and not even then within that class denominating the service desired the termination of the Revolutionary war.

But they had enlisted, and claimed their pay according to contract. Virginia resisted, and finally the courts compelled her to pay those claims; and the State then came and asked Congress to re-open the assumption act of 1790, or at least to pay these claims upon the principles of that act; because she said that her liability to officers was of the same nature as the advances for the particular defence that she had made, and which had been brought into the assumption act of 1790. Congress, in 1832, assumed the liability and paid it; and in doing that Congress did right; because Virginia in 1790 did not know that she was liable or would be liable for these claims. You paid under that act nearly a million of dollars, per-

haps more.

Now, then, the representatives of Galphin came and asked the General Government to pay them £9,791 15s. 5d., with interest at six per cent.; which was the liability or debt of Georgia, incurred for the particular defence of that part of the common country not included in the act of 1790, just as they did the Virginia claims, and identically upon the same principles of equity, and justice, and right. In 1836 the Senate passed a resolution requesting the President of the United States (General Jackson) to write to the Governor of Georgia to get all the information in his possession upon the subject. In January, 1837, General Jackson so wrote; and Governor Schley, of Georgia-a political friend of Gen. Jacksonanswered the inquiries soon after, and amongst other things said, "that there is justly due to the heirs of George claim, like many others, remained for several years; but in August, 1848, Congress passed a law requiring the Secretary of the Treasury "to examine and adjust" it, and "to pay the amount which may be found due to Milledge Galphin, executor of George Galphin, out of any money in the Treasury not otherwise appropriated;" and in pursuance of that law the principal and interest of that debt was paid. That, sir, is Galphinism!—its height, its length, its breadth and depth. There it stands, in all its naked deformity. Look upon it, examinine it, scrutinize it, and tell me where is the "swindle," and who have When the case was last presented been the "swindlers." to Congress, whose hands was it put into? Into the hands of George McDuffie, of South Carolina. Who pre-sented it? George McDuffie! Did he want to commit a fraud against your Treasury? Was he a swindler? It went before a committee, and who constituted that committee? Mcssrs. Ashley, Breese, Berrien, Westcott, and Webster.

The committee was composed of the same gentlemen who constituted the former committee, with one or two excep-tions—a committee of able and practical men. They re-ported again in favor of it. Were they the "Galphins" who perpetrated this monstrous fraud? The distinguished Senator from Michigan, (Gen. Cass,) when Secretary of War, said that there was no doubt but that the cla was just, and the only question was, which should pay it. Georgia or the United States. Was he one of the swind-

Early in 1848 the bill came into this House, and was Early in 1848 the bill came into this House, and was laid upon your table. The report was printed, and the case referred to a committee of this House. I have before me the names of that committee, and they are all honorable men, and unimpeachable. One of the gentlemen upon that committee (Mr. Pettit) is nominated by his party, I see, to be a Senator from the State of Indiana. Was he a swindler? Did he think it was a great fraud? Was he a twing to cheat the public? Is he are of these Was he trying to cheat the public? Is he one of those with whose blood it is the desire of some to write the history of this Administration? Do you want to write the history of the Administration in the blood of Gen. Cass, or Mr. Forsyth, or Governor Sckley, the blood of the Judictary Committee in the Senste, and in the blood of the distinguished individual to whom I have just alluded? Are all these men Galphins? I believe the gentleman from Ohio said that they, the "Galphins," were buried so deep that the hand of resurrection would never raise them up. But the Democracy in Indians, it seems, has imparted new life to one of them—has "galvanized" him, at least, by sending him to the Senate.

most essential service in preventing the Indians from making inroads upon the defenceless inhabitants of that unprotected frontier.

I speak from history and the records of the country—Galphin was true to the cause of his country and her struggle for independence. And I state here, that the only section of our State which was not at some period of the war taken by the British was where settlements were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands, in the country of wilkes. There were made on those lands are the senter.

L heard a gentleman inquire how this Galphin claim passed through this House. I say it passed this House own merits. No speech was made in its behalf. It had no advocate but the plain, short, strong argument of the country own merits. No speech was made in its behalf. It had no advocate but the plain, short, strong argument of the country own merits. No speech was made in its behalf. It was taken up and acted upon at a time.